THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22388 OF 2007

DATED: 29-10-2007

BETWEEN

Chippada Durgamma,
W/o. Krishna, D.No.8-11-21,
House Patta No.290,
R/o. Railway Station Road,
Vizianagaram and others.

...PETITIONERS

AND

The Tahsildar,
Vizianagaram and another.

...RESPONDENTS

ORDER

Petitioners submit that they are the assignees of the house sites granted by the first respondent in Sy.No.1048 and the particulars of the plot numbers allotted to them have been mentioned in Annexure A to the writ petition. They submit that the house site pattas given to them is for Government land but the first respondent without verifying the house site pattas issued notices dated 25.09.2007 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act') stating that they are in occupation of the Government land without any orders granted in their favour. They further submit that they have submitted their explanations to the said notices along with the copies of their house site pattas.

2. I am not inclined to express any opinion with regard to the merits of the case as it is for the enquiring authority to consider and dispose the explanations/representations submitted by the petitioners in accordance with

law.

3. Having regard to the facts and circumstances of the case, the firs respondent is directed to consider and dispose the explanations/representations filed by the petitioners to the impugned show cause notices issued in proceedings Rekha No.1158/07 dated 25.09.2007, after giving reasonable opportunity to them, in accordance with the provisions of the Act. However, if any adverse orders are passed under Section 6 of the Act against the petitioners, no coercive steps shall be taken to dispossess them for a period of 10 days from the date of service of final orders so as to enable them to file an appeal.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 29, 2007
DSK